

REPORT OF THE
OFFICE OF THE AUDITOR GENERAL

832

ATTENDANCE AND ABSENTEEISM IN
CALIFORNIA SCHOOLS

MARCH 1979



California Legislature

Joint Legislative Audit Committee

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March 5, 1979

The Honorable Speaker of the Assembly
The Honorable President pro Tempore of the Senate
The Honorable Members of the Senate and the
Assembly of the Legislature of California

Members of the Legislature:

Your Joint Legislative Audit Committee respectfully submits the Auditor General's report concerning attendance and absenteeism in California schools. The report indicates that actual attendance levels during the fall, 1979, in sampled elementary schools were 90.8 percent of enrollment, in junior high schools were 87.7 percent of enrollment, and in senior high schools were 81.4 percent of enrollment. The study also found that the Department of Education has not completely performed its responsibilities for implementing the State's compulsory education laws and attendance accounting procedures. The report makes recommendations to the Legislature for addressing problems related to school attendance.

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Respectfully submitted,

RICHARD ROBINSON

Assemblyman, 72nd District
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SUMMARY

Full-time school attendance generally is compulsory for California youth who are between the ages of 6 and 16. School attendance for at least part of the day generally is compulsory for youth aged 16 and 17. However, youth aged 16 or who have completed the 10th grade can be exempted from compulsory attendance through passing the California High School Proficiency Examination.

This study, conducted during the fall of 1978, examined student attendance and absenteeism in a sample of California schools. Enrolled students were counted in attendance if they were present in the classroom or on a special assignment. Absences could include both (a) excused and unexcused absences and (b) students who cut individual classes as well as those who were absent for the entire day.

The study revealed that actual attendance levels were 90.8 percent of enrollment in elementary schools, 87.7 percent of enrollment in junior high schools, and 81.4 percent of enrollment in senior high schools. Urban senior high schools had the lowest average attendance levels--79 percent of enrollment.

Attendance averaged 78 percent across all high schools in the sample on Fridays. Attendance declined in the afternoon at high schools, averaging 81 percent or less of enrollment in each of the afternoon periods. Such subjects as foreign languages, science, and music had the highest average attendance levels. Low average attendance levels were found in special education classes.

The most frequently cited causes for absenteeism included illness, dislike or boredom with school, social adjustment problems, family or personal business, influence of friends, and academic problems. Other reasons cited for absenteeism were lack of authority for enforcing attendance laws and absence of parental concern or control.

The study found that the Department of Education has not completely performed its responsibilities for implementing the State's compulsory education laws and attendance accounting procedures. As a result, fundamental requirements are not consistently adhered to throughout the State, including (a) supervision to ensure continuing school attendance for all pupils between ages 6 and 18, (b) reporting of attendance information

throughout the school day, and (c) recording attendance figures in accordance with statutory provisions governing payment of school apportionments.

We have recommended that the Department of Education identify for the Legislature potential procedures for and costs of addressing these problems.

INTRODUCTION

In response to a resolution of the Joint Legislative Audit Committee, we have conducted a review of student attendance in California public schools. This review was conducted under the authority vested in the Auditor General by the Government Code Section 10527.

This report is the first of two Auditor General reports on student attendance. In part, it examines the nature and extent of the public school attendance problem in California through results of actual school attendance counts made during the fall, 1978 and through a description of the principal reasons for student absenteeism. The study also surveys student attendance patterns, laws and accounting procedures at the national level, details suggestions for curtailing absenteeism and reviews the role of California's School Attendance Review Boards (mandated under Education Code Section 48320 et seq.). It further examines how the Department of Education monitors, reviews and enforces school attendance requirements. And lastly, it attempts to determine if attendance procedures at the local level conform with state requirements.

The second Auditor General's report on student attendance is anticipated to contain results of spring attendance sampling in California schools, including continuation and alternative schools, identify characteristics of schools with excessively high or low attendance levels; and explore the relationship between attendance patterns and pupil achievement.

Scope and Methodology

In examining school attendance, we conducted physical counts of students in classrooms within a sample of 48 schools throughout the State. In addition, teachers within these schools submitted counts of all their classes on the day of our counts. For purposes of this study, attendance was defined as actual presence in the classroom or in a school program or activity during the class period.

Schools were selected at random within specified categories, with some replacement sampling to ensure inclusion of schools of various sizes and racial/ethnic compositions. The study included 24 high schools, 12 junior high schools and 12 elementary schools which were categorized according to poverty levels and location (urban/suburban/rural).

To determine reasons for student absenteeism we interviewed staff and students at each of the 48 schools and their 36 respective district offices and surveyed over 800 individuals statewide, including county and local members of School Attendance Review Boards. We also surveyed educators and administrators throughout the nation to identify attendance policies and patterns.

To review compliance with attendance laws and regulations, we visited a subsample of 12 school district offices and 5 county offices of education. In addition, we examined Department of Education procedures for implementing the State's compulsory education law, attendance reporting requirements and related mandates.

Study Limitations

It was beyond the scope of this study to provide comprehensive information concerning the relationship between observed attendance and Average Daily Attendance (ADA) figures reported for apportionment purposes. Rather, the purpose was to examine actual student attendance levels and absenteeism within classrooms. We did not attempt to establish a standard for judging the seriousness of the absentee problem. However,

literature has indicated that health officials estimate a "normal" absentee rate for health reasons as four or five percent per year (or roughly, seven to nine days of absenteeism in a school year of 180 days).*

The courtesy and cooperation extended to our auditors by individuals statewide who assisted us and by the schools, school districts and county offices of education we visited are greatly appreciated.

*This absentee rate does not include students with an illness of long duration or with an incapacitating injury.

BACKGROUND: CALIFORNIA'S ATTENDANCE LAWS
AND REGULATIONS

Compulsory Attendance
Law in California

Full-time school attendance is compulsory for California youth between the ages of 6 and 16 (Education Code Section 48200 et seq.).* Youth aged 16 and 17 are required to at least attend part-time in continuation education classes, regional occupational centers/programs or, if they are employed, adult classes (Education Code, Section 48400, et. seq.).** Youth who are aged 16 or older or who have completed the 10th grade can be exempted from compulsory attendance through passing the California high school proficiency exam (Education Code, Section 48412).

Average Daily Attendance
and Public School
Financial Support

The bulk of public school financial support in California--which totaled over \$8 billion in 1977/78--is computed on the basis of units of average daily attendance (ADA). Special allowances are provided for such purposes as education of

*Some students may be exempted for specific reasons (e.g., certain handicaps).

**Youth who have graduated from high school are not subject to continuation education class requirements.

handicapped pupils and participation in particular categorical programs (e.g., School Improvement Program, Educationally Disadvantaged Youth).

Average daily attendance (ADA) allowable for apportionments includes both students actually in attendance and those verified as absent for certain designated reasons: (a) illness, (b) quarantine directed by a county or city health officer, (c) medical or dental appointment, (d) attending the funeral services of an immediate family member and (e) jury duty.

According to the Department of Education, reported ADA in California was approximately 96 percent of the enrollment in 1977-78. Table 1 below indicates the statewide enrollment, attendance and the percentage of students in average daily attendance reported by the Department.

TABLE 1

Enrollment and Reported Average Daily Attendance
in California Schools, 1977/78

<u>Grade Span</u>	<u>Statewide Enrollment</u>	<u>Statewide ADA</u>	<u>Reported ADA % of Enrollment</u>
K-3	1,239,235	1,215,695	98%
4-8	1,576,317	1,541,337	98%
9-12	<u>1,341,448</u>	<u>1,246,079</u>	93%
TOTAL	<u>4,157,000</u>	<u>4,003,111</u>	
AVERAGE			<u>96%</u>

Local Responsibilities
for Attendance Enforcement
and Accounting

Attendance enforcement and accounting are intended to (a) ensure implementation of the State's compulsory education law and (b) provide the basis upon which funds are apportioned to school districts. The Department of Education has overall responsibility for attendance enforcement and accounting. Local responsibilities are shared among school districts, county offices of education and individual schools.

School districts' functions related to attendance enforcement and accounting include:

- Appointing a supervisor of attendance (or contracting for such a service) responsible for ensuring (a) continuing school enrollment for all pupils between ages 6 and 18 and (b) required verification of absences due to illness, quarantine, etc.
- Maintaining (a) attendance accounting in accordance with state regulations and (b) records relating to attendance.

Attendance responsibilities of county superintendents of schools include:

- Appointing a supervisor of attendance responsible for dealing with truancy problems and performing attendance supervision in relatively small districts (i.e., which do not have district supervisors of attendance)
- Participating on the county school attendance review board (SARB) which (a) addresses the special needs of pupils with school attendance problems and (b) assists local school attendance review boards. SARBs are to include representatives from school districts, the county probation department, the county welfare department and the county superintendent of schools.

Functions of individual schools include:

- Recording of daily attendance
- Participating in verification of absences due to illness and other causes (e.g., through parent

notes, phone calls, visits, etc.) and ensuring that allowable absences are distinguished from other absences for ADA purposes

- Reporting pupils who are absent without a valid excuse for more than three days in one school year to the school district attendance supervisor or superintendent.*

Attendance responsibilities of the Department of Education are discussed on pages 29 and 30.

*Students who are more than 30 minutes tardy on four or more days in one school year are also reported.

ATTENDANCE LEVELS IN
CALIFORNIA'S SCHOOLS

To determine attendance levels in California schools, two types of data were collected during this study. In each of the 48 schools in the sample, auditors conducted a physical count of students in a random sample of classrooms; a total of 1,780 classrooms were included in auditor counts. Enrolled students were counted in attendance if they were present in the classroom or on a special assignment (for example, in a reading or mathematics laboratory). In addition, all teachers in sample schools were asked to provide attendance counts for each period of the day; teachers conducted counts in 10,006 classrooms.

Schools included in the study were randomly selected to ensure inclusion of a minimum number of schools within each of several categories (e.g., high and low poverty level, large and small schools, etc.). Selected characteristics of the 48 schools are given in Table 2 on page 15.

Auditors' counts in the 48 schools revealed that student attendance averaged 83.8 percent of the total classroom enrollment.*

* In tables throughout the report, teachers' and auditors' counts vary somewhat. A variety of factors may account for differences. They may be attributable to sampling factors. In addition, teachers' counts may have included students who were tardy for the class, while auditor counts did not. Although an attempt was made by auditors to identify students on special assignment, some instances of this and some temporary period absences (e.g., visits to the school nurse) may not have always been recorded.

TABLE 2

SELECTED CHARACTERISTICS OF THE 48 SCHOOLS SAMPLED

	URBAN SCHOOLS			SUBURBAN SCHOOLS			RURAL SCHOOLS		
	LOW ---	HIGH ----	AVERAGE -----	LOW ---	HIGH ----	AVERAGE -----	LOW ---	HIGH ----	AVERAGE -----
STUDENT ENROLLMENT	250	3,243	1,595	300	3,132	1,145	253	1,323	580
AID TO FAMILIES WITH DEPENDENT CHILDREN									
PERCENTAGE	1.30	55.00	20.69	0.40	90.00	8.73	3.20	16.80	11.06
RACIAL/ETHNIC COMPOSITION PERCENTAGE OF STUDENTS									
WHITE	0.30	91.90	45.68	8.00	97.30	60.70	3.80	94.90	41.83
BLACK	0.00	87.20	22.10	0.00	82.30	9.92	0.20	2.60	0.88
HISPANIC	2.60	89.50	24.68	0.60	82.40	19.04	2.40	92.70	53.98
ASIAN	0.40	45.80	5.56	0.30	23.00	7.36	0.00	3.30	1.56
AMERICAN INDIAN	0.00	2.30	0.49	0.00	4.90	1.27	0.00	3.50	0.50
FILIPINO	0.00	15.00	1.46	0.00	11.70	1.70	0.00	8.70	1.22
LIMITED ENGLISH SPEAKING/ NON-ENGLISH SPEAKING * PERCENTAGE OF STUDENTS	0.00	25.62	3.25	0.00	9.52	1.93	0.00	26.53	14.86
CALIFORNIA ACHIEVEMENT TEST RESULTS (1977-78 READING SCORES-- PERCENTILE RANKINGS	47.60	75.40	60.89	46.70	81.80	62.46	53.90	74.70	62.25

* SOME DATA NOT AVAILABLE.

Based upon auditors' counts, elementary schools' attendance levels averaged 90.8 percent, junior high schools averaged 87.7 percent, and senior high schools averaged 81.4 percent.* In senior high schools which we defined as high AFDC** (those with 10 percent or more of students from families receiving AFDC welfare payments), the attendance level averaged only 75.9 percent of student enrollment (see Table 3). More detailed data concerning attendance in relation to grade level and school poverty is contained in Appendix A.

TABLE 3

PERCENTAGE OF STUDENTS IN ATTENDANCE
IN RELATION TO GRADE LEVEL AND AFDC

GRADE LEVEL	CLASSES COUNTED BY AUDITORS			TEACHERS REPORTS		
	HIGH AFDC (N= 687)	LOW AFDC (N= 1093)	TOTAL (N= 1780)	HIGH AFDC (N= 4264)	LOW AFDC (N= 5742)	TOTAL (N=10006)
ELEMENTARY	90.40	91.13	90.75	92.54	92.76	92.66
JUNIOR HIGH	86.51	99.14	87.74	85.67	90.87	87.40
SENIOR HIGH	75.93	83.84	81.44	79.43	85.39	83.30
TOTAL	81.37	85.35	83.83	81.97	86.27	84.45

*Absences could include both (a) excused and unexcused absences and (b) students who cut individual classes as well as those who were absent for the entire day.

**Aid to Families With Dependent Children

Urban senior high schools had the lowest attendance levels--79.1 percent of enrollment. This pattern is consistent with attendance levels in relation to school poverty, since the urban schools in the sample had, on the average, the highest numbers of students from families on welfare. Suburban and rural schools had the highest levels of attendance at each grade level (according to auditor counts) as shown in Table 4.

TABLE 4

PERCENTAGE OF STUDENTS IN ATTENDANCE
IN RELATION TO GRADE LEVEL AND LOCATION

GRADE LEVEL -----	CLASSES COUNTED BY AUDITORS -----				TEACHERS REPORTS -----			
	URBAN (N=941)	SUBURBAN (N= 554)	RURAL (N= 135)	TOTAL (N=1780)	URBAN (N=5958)	SUBURBAN (N= 3268)	RURAL (N= 780)	TOTAL (N=10006)
ELEMENTARY	90.29	91.06	92.02	90.75	92.94	92.41	92.61	92.66
JUNIOR HIGH	86.91	89.37	88.52	87.74	85.70	91.69	89.66	87.40
SENIOR HIGH	79.12	83.63	84.37	81.44	81.79	85.51	85.10	83.30
TOTAL	82.41	85.27	86.28	83.83	82.97	86.69	86.71	84.45

Another factor associated with varying attendance levels was racial/ethnic composition of the student body. High schools with over 50 percent of their student body from racial/ethnic minorities had average attendance of 78.3 percent, while those with less than 10 percent of students from racial/ethnic minorities had average attendance of 86.6 percent.*

Within high schools, several additional factors were associated with pupil attendance: day of the week, class period and class subject/program. Attendance was lowest--an average of 78.3 percent across all high schools in the sample--on Fridays (see Table 5, page 20). In relation to class period, attendance was lower in the afternoon than in the morning. According to auditor counts, high school attendance was approximately 81 percent or less during periods 5, 6, 7, 8, and 9. Average high school attendance for each morning period was over 81 percent (see Table 6, page 20).

Classes consistently having high average student attendance included foreign languages, science and music (see Table 7, page 21).* Low average attendance levels were found in special education classes (i.e., for handicapped pupils).** A

*Additional data on this topic are contained in Table A-5, Appendix A.

**These findings (like several of those described above) were consistent with data we collected during a pilot study of school attendance in May, 1978.

variety of factors (e.g., student background, motivation, disabilities) may account for differing attendance levels within various types of classes/programs.

Kindergarten attendance was the lowest among elementary grades. Average attendance in this grade (based upon auditor counts) was 88.5 percent, and the level among schools varied from a low of 82 percent to a high of 94 percent.*

Several of the patterns of student absenteeism found in this study are consistent with those found in studies conducted elsewhere. A review of other attendance studies is presented on pages 44 to 48.**

*More detailed data covering attendance by grade levels, including elementary school data, is given in Appendix A.

**The schools in our sample reported that, overall, 76 percent of known absences were verified as excused and the percentages ranged from a low of 38 percent to a high of 97. These data represent the number of absences that the schools recorded. Additionally, the data generally reflect full-day absences, whereas our classroom counts included class period absences.

TABLE 5

HIGH SCHOOL STUDENTS IN ATTENDANCE
IN RELATION TO DAY OF THE WEEK

DAY OF THE WEEK	CLASSES COUNTED BY AUDITORS				TEACHERS REPORTS			
	NUMBER OF CLASSES SAMPLED	STUDENTS ENROLLED	ATTENDANCE PER AUDITOR COUNT	PERCENT ATTENDANCE PER AUDITOR COUNT	NUMBER OF CLASSES SAMPLED	STUDENTS ENROLLED	ATTENDANCE COUNTED	PERCENT IN ATTENDANCE
MONDAY	100	2,584	2,170	83.97	265	6,592	5,605	85.02
TUESDAY	296	8,127	6,663	81.98	1,718	47,256	39,293	83.14
WEDNESDAY	129	3,610	2,971	82.29	1,869	51,226	42,598	83.15
THURSDAY	304	8,385	6,963	83.04	2,191	60,658	50,726	83.62
FRIDAY	321	8,645	6,760	78.26	1,446	39,016	32,348	82.90
TOTALS	1,150	31,351	25,533	81.44	7,489	204,748	170,570	83.30

TABLE 6

HIGH SCHOOL STUDENTS IN ATTENDANCE
IN RELATION TO CLASS PERIOD

PERIOD	CLASSES COUNTED BY AUDITORS				TEACHERS REPORTS			
	NUMBER OF CLASSES SAMPLED	STUDENTS ENROLLED	ATTENDANCE PER AUDITOR COUNT	PERCENT ATTENDANCE PER AUDITOR COUNT	NUMBER OF CLASSES SAMPLED	STUDENTS ENROLLED	ATTENDANCE COUNTED	PERCENT IN ATTENDANCE
0	0	0	0	0.00	12	364	302	82.96
1	145	3,968	3,244	81.75	1,112	29,870	24,774	82.93
2	305	8,333	6,964	83.57	1,299	35,763	30,233	84.53
3	149	4,125	3,478	84.31	1,282	35,629	30,048	84.33
4	106	2,726	2,223	81.54	1,184	32,280	26,941	83.46
5	225	6,046	4,758	78.69	1,061	29,125	23,967	82.29
6	139	3,940	3,129	79.41	978	26,888	22,071	82.08
7	62	1,740	1,404	80.68	390	10,337	8,619	83.38
8	14	353	260	73.65	103	2,804	2,257	80.49
9	5	120	73	60.83	63	1,546	1,249	80.78
TOTALS	1,150	31,351	25,533	81.44	7,484	204,606	170,461	83.31

TABLE 7

HIGH SCHOOL STUDENTS IN ATTENDANCE
IN RELATION TO CLASS SUBJECT

SUBJECT	CLASSES COUNTED BY AUDITORS				TEACHERS REPORTS			
	NUMBER OF CLASSES SAMPLED	STUDENTS ENROLLED	ATTENDANCE PER AUDITOR COUNT	PERCENT ATTENDANCE PER AUDITOR COUNT	NUMBER OF CLASSES SAMPLED	STUDENTS ENROLLED	ATTENDANCE COUNTED	PERCENT IN ATTENDANCE
AGRICULTURE	1	32	27	84.37	32	704	552	78.40
BUSINESS	80	2,217	1,746	78.75	678	14,305	11,741	82.07
HOME ECONOMICS	54	1,290	1,053	81.62	269	6,481	5,302	81.80
INDUSTRIAL ARTS	74	1,737	1,404	80.82	400	9,382	7,786	82.98
ENGLISH AND DRAMA	229	6,165	5,000	81.10	1,434	38,644	32,107	83.08
ART	63	1,510	1,236	81.85	343	8,595	7,144	83.11
MUSIC	13	278	238	85.61	131	4,112	3,657	88.93
MATHEMATICS	145	4,217	3,395	80.50	862	24,798	20,798	83.86
SOCIAL SCIENCE	160	4,845	3,934	81.19	912	27,806	22,975	82.62
SCIENCE	106	2,983	2,475	82.97	552	15,856	13,620	85.89
PHYSICAL EDUCATION	54	2,063	1,717	83.22	780	29,421	24,190	82.22
SPECIAL EDUCATION	32	298	213	71.47	209	1,880	1,346	71.59
FOREIGN LANGUAGE	74	1,940	1,658	85.46	437	11,580	10,200	88.08
INDEPENDENT STUDY	6	98	68	69.38	65	448	334	74.55
ESL AND BILINGUAL ED.	26	732	589	80.46	85	2,252	1,835	81.48
DRIVER EDUCATION	13	448	350	78.12	100	3,087	2,504	81.11
HEALTH	11	337	290	86.05	131	3,832	3,226	84.18
MILITARY SCIENCE	3	70	62	88.57	30	694	572	82.42
STUDY HALL	0	0	0	0.00	3	290	208	71.72
OTHER	6	91	78	85.71	37	581	473	81.41
TOTALS	1,150	31,351	25,533	81.44	7,490	204,748	170,570	83.30

REPORTED REASONS FOR STUDENT ABSENTEEISM
AND PROPOSALS IDENTIFIED FOR
ADDRESSING THE PROBLEM

Questionnaire data were collected from 428 individuals (school administrators, attendance personnel, counselors, teachers and students) in schools, districts and counties within the study sample to determine reasons cited for nonattendance. Respondents ranked the following as the principal reasons for student absenteeism (see Table 8, page 23):

- Illness
- Dislike or boredom with school
- Social adjustment problems
- Family or personal business
- Influence of friends
- Academic problems.

In addition, questionnaire responses were obtained from a sample of over 800 individuals throughout the State, including School Attendance Review Board (SARB) chairpersons, county staff responsible for implementing attendance requirements and other parties knowledgeable about attendance issues. Responses from this sample were similar to those above and are given in Appendix A (Table A-9).

TABLE 8

Ranking of Reasons For Pupil Absenteeism
by Category of Respondent Within Audit Sample*

Reasons for Pupil Absenteeism	Attendance Staff (N = 60)	Administrators** (N = 145)	School Nurses (N = 11)	Teachers (N = 130)	Students (N = 82)	Total (N = 428)
Illness	1	1	2	1	2	1
Dislike or boredom with school	4	2	1	3	1	2
Lack of appropriate options within educational system	13	9	8	10	9	10
Social adjustment problems	5	3	3	5	7	3
Academic problems	7	4	4	6	4	6
Fear of school due to violence/vandalism	14	13	12	13	10	13
School busing	11	14	13	14	14	14
Employment	12	11	14	12	12	12
Drug abuse/alcoholism	10	12	11	11	8	11
Pregnancy/parenthood	15	15	15	15	13	15
Influence of friends	6	5	5	4	3	5
Rebellion against school rules	8	8	6	9	5	8
Have to help at home	3	7	9	7	16	7
Babysitting	9	10	10	8	15	9
Family or personal business	2	6	7	2	6	4

*Question: What do you believe are the principal reasons pupils
are absent from school? (Designate rank order)

**Includes school principals, vice-principals, counselors, and
district and county administrative staff.

Many respondents cited "other" factors as principal reasons for student absenteeism. Among the most frequently cited other factors were (a) lack of procedures or authority for enforcing attendance laws, (b) lack of parental concern or control and (c) factors such as learning difficulties, gang and peer pressure, or impersonal classrooms.

Respondents cited reasons for absenteeism relating to lack of enforcement of attendance laws which included the following:

"A truant officer is needed to verify absences, notes from parents, etc...Attendance laws are not enforced and they are not severe enough. A child who is a habitual truant cannot be forced to attend school."

"There are no teeth in the law. When a pupil refuses to go to school and the parent permits it, there is very little a school, district or SARB can do. The juvenile court system is reluctant to intervene; the law limits what the court system can do even if it does intervene, and the student does not go to school."

"A good percentage of those cutting school are the ones that would create problems if they were at school; therefore, no great effort is expended to round them up and bring them in."

"There seems to be no way available to enforce attendance without volumes of paperwork, red tape, documentation and thus low pay-back for time and effort expended."

"We have no way to enforce attendance unless we have some support from other law enforcement agencies."

Numerous respondents cited the ineffectiveness of School Attendance Review Boards (SARBs) and the constraints deriving from AB 3121 (Chapter 1071, Statutes of 1976) as related to difficulties in dealing with truancy and related absenteeism problems.* A further discussion of SARBs is contained on pages 37 and 38.

Respondents who cited the lack of parental concern or control as a reason for absenteeism indicated such problems as:

"Lack of parental control due to indifference, over-permissiveness, lack of intestinal fortitude, or have just plain given up."

"Single parent families, mother or father who works cannot provide supervision before and after school. Also students from those homes often feel rejected and have a poor self-image, thereby disliking school...."

In one school we visited, a child habitually missed his morning classes. The child's mother, a single parent on welfare, slept late in the mornings and felt no obligation to bring her

*AB1321 decriminalized status offenses including truancy and incorrigibility and among other provisions, removed juvenile hall detention as punishment for students habitually skipping classes.

child to school on time. In two sample schools, children were absent because they had no shoes or coats and were too embarrassed to attend.

We asked respondents from schools, districts, and counties to rank problems related to enforcement of attendance laws and regulations. The response rankings are presented in Table 9 on page 28. They again emphasize lack of sufficient attendance enforcement authority and lack of parent cooperation/responsibility for student attendance.

Proposals for Addressing Attendance Problems

School personnel and other individuals suggested a variety of approaches for addressing attendance problems. Among the suggestions for state-level action were:

- Establishing a state-level School Attendance Review Board, including membership from the Health and Welfare Agency, Department of Education and Department of Justice to provide leadership for local SARB efforts and establish policies aimed at fostering state and local interagency coordination in addressing attendance problems
- Including periodic reports of school attendance and absenteeism for individual schools and districts within the statewide testing program in order to improve accountability for student absenteeism

- Conducting independent audits of school district attendance figures on a spot-check basis
- Identifying and disseminating information about exemplary projects which have been tested and proven to be effective as methods to improve attendance.

TABLE 9

RANKING OF PROBLEMS CITED IN IMPLEMENTING
ATTENDANCE LAWS AND REGULATIONS BY CATEGORY OF RESPONDENT

Problems in Implementing Attendance Requirements	Attendance Staff (N = 163)	SARB Members (N = 96)	Administrators (N = 462)	Teachers (N = 18)	Specified (N = 172)	Other (N = 48)	Total (N = 959)
Low priority assigned to attendance enforcement	5	4	5	6	5	4	4
Insufficient staff devoted to attendance enforcement	3	3	3	7	3	3	3
Cutbacks in attendance staff or increases in staff responsibilities due to Proposition 13	9	13	8	12	9	13	10
Phone calls/notes/visits to homes too infrequent	7	6	9	11	9	7	8
Teacher follow-up of absences insufficient	4	5	7	9	7	6	6
Attendance accounting procedures inadequate	13	12	13	13	13	12	13
Lack of sufficient attendance enforcement authority	1	2	1	2	2	2	2
Absence of coordination between attendance staff, school administrators and guidance personnel	12	10	12	10	12	11	12
Inadequate coordination between attendance staff and other agencies, (probation, courts, welfare, social services, etc.)	8	10	6	5	6	5	7
Lack of parent cooperation, responsibility for student attendance	2	1	2	1	1	1	1
Poorly defined attendance responsibilities	14	9	11	8	11	9	11
Lack of community understanding	6	7	4	3	4	8	5
Absence of knowledge of successful approaches for addressing attendance problems	10	8	10	4	8	10	9
Lack of procedure for notifying parents of period absences	11	14	14	14	14	14	14

AUDIT RESULT

THE DEPARTMENT OF EDUCATION HAS NOT COMPLETELY PERFORMED ITS RESPONSIBILITIES REGARDING ATTENDANCE MANDATES

The Department of Education has failed to ensure full implementation of the State's compulsory attendance laws and attendance accounting procedures. As a result, fundamental requirements are not applied consistently throughout the State, including (a) attendance supervision to ensure continuing school attendance for all pupils between ages 6 and 18, (b) reporting of attendance information throughout the school day, and (c) attendance recording in accordance with statutory provisions governing payment of apportionments.

Department of Education Responsibilities

The Department of Education's responsibilities for implementation of attendance requirements fall within its general mandate to:

...administer and enforce all laws...imposing any duty, power, or function upon any of the bodies [and] offices...[under the jurisdiction of the State Board of Education] (Education Code, Section 33308)

This general responsibility includes ensuring enforcement of such fundamental mandates as the State's compulsory education law and attendance reporting requirements governing apportionments to school districts. In addition, the Department is responsible for a number of specific statutory mandates related to school attendance.

Misinterpretation of Attendance Requirements

Department guidelines concerning attendance reporting misinterpret statutory requirements pertaining to school district apportionments. The Education Code states that school districts are to collect full apportionments only for students who are in attendance for the minimum school day.* The Legislative Counsel, in 1958, concluded that for apportionment purposes attendance should only be credited during the time a student is "...engaged in an educational activity and under the immediate supervision and control of a certificated employee." However, the Department of Education's guidelines provide that if a student leaves school after once having been under the direct supervision of a certificated employee, that absence may be credited for full apportionment.

*The minimum school day is generally defined as being 180 minutes for kindergarten, 230 minutes for grades 1 through 3, and 240 minutes for grades 4 through 12, although certain exceptions exist.

We requested that the Legislative Counsel clarify whether schools should collect full apportionment for students who are not actually in attendance for the minimum school day. Legislative Counsel indicated that:

[The Education Code]...clearly provides that, in computing average daily attendance, only the attendance of pupils who are engaged in required educational activities and under the immediate supervision and control of a certificated employee can be counted. The only exception to that general requirement is that provided...[in the Education Code for excused absences due to illness, quarantine, family funeral, etc.]

If a pupil, acting independently, departs from school without an authorized excuse before completing the minimum school day applicable to such pupil, after once having been under the immediate supervision and control of a certificated employee, such pupil's attendance is not reportable for apportionment purposes for the entire school day (Emphasis added; see Appendix B for the full Legislative Counsel opinion).

The Legislative Counsel further expressed doubt regarding the Department's authority to direct school districts to report attendance for apportionment purposes if a student leaves on an unexcused absence before completing a minimum school day.

The Department's guidelines presently enable school districts to claim a full unit of ADA for pupils who are in attendance for only a partial (and less than the minimum) school

day. The guidelines are inconsistent with both the 1958 Legislative Counsel opinion and the more recent opinion provided to us.

Each of the high schools we visited claimed full ADA for all pupils in attendance at the time of daily attendance counts. Several schools may have received more funds than appropriate based upon Legislative Counsel's opinion that full apportionments cannot be claimed for pupils who do not complete the minimum school day. Department officials expressed concern to us regarding the feasibility of complying with the Legislative Counsel interpretation.

Other Deficiencies in Implementing Attendance Provisions

There are additional problems at the local level in implementing mandated attendance procedures. For example:

- Nineteen of our sample of 36 school districts used school attendance reporting systems which had not been approved in accordance with Section 401 of Title V of the California Administrative Code

- Two of 12 districts in which we performed detailed reviews had not appointed supervisors of attendance as mandated under Education Code Section 48240*
- Two other of the 12 districts did not record period attendance at the high school level as required under Section 401 of Title V regulations. In one of the schools, teacher attendance records were submitted to the attendance office on a weekly basis only. If a parent inquired about his or her child during the interim, the attendance office was unable to provide information concerning the child's attendance
- Other deficiencies in attendance accounting procedures were noted in independent audit reports which school districts are required to have prepared annually. Our review of the findings of 12 independent school district audits indicated that three districts had violated attendance regulations in ways which could lead to erroneous apportionments.

*A study conducted by the California Association of Supervisors of Child Welfare and Attendance showed a similar pattern of failure to appoint mandated attendance staff.

Deficiencies noted included (a) attendance registers which were not adjusted after additional information concerning the status of an absence was obtained, (b) unexcused absences which were not consistently recorded on attendance registers and (c) student absences which were not verified.

Problems related to attendance enforcement and accounting have been brought to the Department of Education's attention in the past. Procedures have not been adopted to deal with the variety of deficiencies identified above on an ongoing basis, although the Department has indicated that its recently established Internal Audit Office will be working in this area.

Problems in administering attendance laws at the state level are reflected in the fact that many school districts place a low priority on attendance functions. Numerous school districts do not notify parents on a daily basis that their child has been absent for a specific period or for the day.* This occurs despite the fact that studies have demonstrated that schools which routinely notify parents of their children's absences have been effective in reducing student absenteeism.

*Required reporting of attendance under the Education Code pertains to truant pupils (e.g., those who have been absent more than three days).

Deficiencies in implementing attendance requirements can also lead to financial liability on the part of school districts. A recent California court decision ruled that districts can be liable for injury to a pupil who has left the school premises without permission during the school day. The court ruling centered upon a school district's failure "...to exercise reasonable care in supervising students in its charge...."

CONCLUSION

The Department of Education has not fully performed its responsibilities for administering the State's school attendance laws and regulations. As a result, fundamental requirements are not applied consistently, including, for example, (a) supervision to ensure continuing school attendance for all pupils between ages 6 and 18, (b) recording of attendance information throughout the school day and (c) attendance reporting in accordance with statutory provisions governing payment of school apportionments.

*Michael Hoyem et al. v. Manhattan Beach City School District, L. A. 30857, Superior Ct. No. 30637, October 25, 1978. SB 60 (Nejedly) would eliminate school district liability for students who leave the school grounds without the permission of a school officer or employee.

RECOMMENDATION

We recommend that the Department of Education submit to the Legislature a comprehensive plan for addressing problems in administering the State's attendance laws and attendance accounting requirements. This plan should (a) include estimates of the costs (state and local) of complying with current legal requirements (including addressing the Legislative Counsel opinion regarding apportionments), (b) identify changes in present statutes which are necessary to establish effective and efficient attendance policies and attendance accounting procedures and (c) indicate the fiscal implications of any proposed changes.

ADDITIONAL PERTINENT INFORMATION
CONCERNING STUDENT ATTENDANCE

SCHOOL ATTENDANCE REVIEW BOARDS

School Attendance Review Boards (SARBs) were established by the California Legislature in 1974 (Chapter 1215, Statutes of 1974) to address school attendance problems. Each county is required to maintain a SARB; county SARBs are to provide for the establishment of local SARBs, as necessary, to address the needs of students with attendance and related school behavior problems. SARBs are to provide intensive guidance and coordination of community resources to address these problems.

Any pupil who is an habitual truant* or is irregular in school attendance** may be referred to a SARB. If, after required notification and meeting with the pupil and parent(s), the SARB determines that the problems of the truant pupil cannot be resolved or have not been resolved through prior SARB directives, the SARB is to contact the county superintendent of schools "to...request a petition on behalf of the pupil in the juvenile court of the county" (Education Code, Section 48263).

* Defined as a pupil who has been reported truant three or more times per school year, with an appropriate district employee having made "... a conscientious effort to hold at least one conference with the parent or guardian of the pupil and the pupil himself...." (Education Code, Section 48262)

** This also includes a student who is "habitually insubordinate or disorderly during attendance at school." (Education Code, Section 48263)

Although it was not within the scope of our study to review the effectiveness of SARBs, numerous school personnel and county probation and juvenile justice staff indicated problems in SARB operations. Among the obstacles cited as limiting SARB effectiveness in deterring or remediating attendance problems were (a) weaknesses in the legislation, (b) lack of interagency cooperation, (c) absence of financial resources and (d) lack of State Department of Education leadership.

Possible solutions suggested to address SARB problems included (a) strengthening the present SARB legislation (e.g., adding penalty provisions) and (b) establishing a state-level SARB, including members from the State Department of Education, the Health and Welfare Agency and the Department of Justice; this state-level body could provide leadership for local SARB efforts and establish policies aimed at fostering state and local interagency coordination in addressing attendance problems.

ATTENDANCE LAWS AND PATTERNS NATIONALLY

We conducted a nationwide survey of attendance laws and patterns. The 43 responses we obtained from state and U. S. possessions provided the overall results summarized below.

Nearly 80 percent of the respondents reported compulsory attendance ended at or before age 16. The specific upper age limit ranges from 13 to 18. Most states begin required attendance between the ages of 5 and 8. Table 12 indicates the compulsory attendance ages reported.

TABLE 12

COMPULSORY ATTENDANCE AGES AMONG STATES

<u>Compulsory Attendance Ages</u>	<u>Number of Responses</u>	<u>Percentage</u>
Age Range:		
5-15	1	2.3
5-15	1	2.3
6-16	7	16.3
6-17	3	7.0
6-18	2	4.7
7-13	1	2.3
7-15	1	2.3
7-16	22	51.2
8-14	1	2.3
8-17	1	2.3
Incomplete Data:	<u>3</u>	<u>7.0</u>
TOTAL	<u>43</u>	<u>100.0</u>

Table 13 indicates ages at which states end compulsory attendance.

TABLE 13
AGES AT WHICH STATES END COMPULSORY ATTENDANCE

<u>Age of Termination of Compulsory Attendance</u>	<u>Number of Responses</u>	<u>Percentage</u>
13-16	34	79.0
17-18	7	16.3
Incomplete Data	<u>2</u>	<u>4.7</u>
TOTAL	<u>43</u>	<u>100.0</u>

Several methods of student attendance accounting are used across the nation. Three methods were reported most frequently: average daily attendance (ADA), average daily membership (ADM) and combinations of these two basic methods. Precise measures of these terms differ among states. For instance, Idaho and Alabama generally define ADA as the aggregate number of days students are present divided by the number of days school is in session. Washington, on the other hand, obtains ADA by averaging the actual attendance counts for October 2, November 1 and May 1 of the school year. Overall, student attendance

accounting measures vary considerably, ranging, for example, from those that reflect total pupil enrollment as of a particular date to those that reflect pupils actually in attendance on a daily basis. In terms of frequency of use, no one method of student attendance accounting is predominant, as shown in Table 14.

TABLE 14
STUDENT ATTENDANCE ACCOUNTING METHODS AMONG STATES

<u>Method of Attendance Accounting</u>	<u>Number of Responses</u>	<u>Percentage</u>
ADA (Average Daily Attendance)	9	20.9
ADM (Average Daily Membership)	11	25.6
ADA & ADM	8	18.7
FTE (Full-Time Equivalent)	1	2.3
Enrollment	3	7.0
ADA & ADE (Average Daily Enrollment)	1	2.3
Other*	9	20.9
Incomplete Data	<u>1</u>	<u>2.3</u>
TOTAL	<u>43</u>	<u>100.0</u>

* Includes combinations and modifications of the other procedures listed in the table.

According to respondents, student attendance accounting systems generally generate the primary data used in determining basic state aid to schools. States then typically adjust the basic aid formula for such factors as (a) participation in special education or vocational education, (b) grade level cost adjustments or (c) provisions for special programs such as compensatory education. While there are some commonalities, each specific funding formula is unique in its particulars.

Differences exist in the grade spans for which enrollment and attendance figures are maintained.* As a result, we were unable to develop meaningful figures comparing the proportion of enrolled students actually in attendance among states.

Because of the importance of the school attendance problem, we sought information regarding studies and/or special projects undertaken by other states. Ten states reported that they have either completed studies related to attendance within the past three years or are currently conducting such studies, and 15 states reported that special attendance projects were either in development or ongoing. Examples of studies included

*For example, we requested enrollment figures for grade spans K-3, 4-6, 7-9, and 10-12. Only 11 states could provide figures for these; only 4 states were able to provide attendance-as-a-percent-of-enrollment figures for these grade spans.

those pertaining to attendance and truancy (Illinois), dropouts (Missouri, Delaware) and alternatives to suspension and expulsion (Tennessee).

Current special projects include (a) providing awards to schools (through a civic organization) for reducing absenteeism (District of Columbia), (b) reducing student grades or credit for absences in excess of a given number of days (in some Missouri school districts) and (c) providing annual in-service training for attendance personnel (Tennessee).

OTHER STUDIES AND
PROJECTS CONCERNING
STUDENT ATTENDANCE

A substantial number of studies and projects have indicated that school absenteeism is a significant problem which is associated with other serious school and social problems.

In polls conducted by the National Association of Secondary School Principals, absenteeism has been identified repeatedly as the most perplexing concern of high school principals, overriding all other areas, even discipline. Schools report unexcused absences are an increasingly serious concern. It is also generally agreed that a great deal of time is spent dealing with attendance and absenteeism--time taken away from other school tasks.

In examining patterns of absenteeism, studies have indicated that:

- Kindergarten children are absent more often than children in any other elementary grade
- Absenteeism is highest in the high schools
- The highest frequency of absences occurs on Mondays and Fridays

- Schools at all grade levels experience problems with children who are regularly late to school
- Secondary schools report that many students regularly cut classes (i.e., period cuts)
- Urban schools have higher truancy rates than either suburban or rural schools
- Family income of truants tends to be less than that of nontruants
- Racial/ethnic characteristics are associated with attendance and dropout rates
- Lower truancy rates are associated with the availability of alternative schools/programs and larger numbers of elective courses.

Related to absenteeism and truancy, according to studies, are rising dropout rates, delinquency, vandalism and poor academic performance. One study concluded:

The high correlation of residential burglary to truancy should suggest to parents and schools the seriousness of absences from school.*

*A Profile of Dade County Juvenile Crime, Juvenile Family Division, Dade County Circuit Court, Miami, Florida, 1978.

Many studies have also suggested that a substantial portion of student absences is attributable not to such factors as illness but rather to students missing school because they do not like it or for personal reasons (e.g., family problems, recreation, etc.).

Studies have shown that policies which have served to increase attendance levels have resulted in increased academic performance among some groups of students. This finding is consistent with studies demonstrating a direct relationship between the amount of instructional time and student achievement.

Successful methods to improve school attendance have varied based on the type of students and school; the specific nature of the absenteeism problem; the resources available to the school; and the rapport that exists among students, parents, administrators, teachers and the community.

Some schools have treated absenteeism directly; others have dealt with it as a symptom of fundamental problems. Certain conditions, however, are common in most successful policies: (a) they clearly specify attendance expectations and delineate the outcomes of good and poor attendance; (b) they are

well-publicized and involve parents and students; (c) they are consistently enforced and (d) their formulation has a broad base of participation.*

Specific approaches at the local level for improving school attendance which have been demonstrated in a number of different studies have included the following:

- Establishing a system for notifying (by telephone or mail) the parents of an absent student to inform them of the day or specific period the student was absent, to inquire about the cause and to offer assistance. A principal purpose of the reporting is to place the responsibility for attendance on students and parents
- Specifying maximum allowable days of absence and withholding course credit (or lowering academic grades) for students exceeding the maximum,** allowing no make-up work for truanancies, etc.
- Undertaking public education and related efforts to create an awareness of the absenteeism problem within the community
- Developing a plan, in cooperation with representatives from youth-serving agencies, police and the probation department, to provide counseling and guidance for truant students and tutorial services necessary for the student to return to the classroom successfully.*** Such procedures in some cases have been reported to have reduced acts of juvenile crime and vandalism in the community

*National Association of Secondary School Principals, The Practitioner, March, 1975.


**The legality of lowering grades for nonattendance under California law is questionable.

***SARBs are intended to perform such a function.

- Increasing school options to provide satisfying experiences to all students including, for example, work experience, independent study, continuation/alternative schools, and opportunities for nontraditional learning experiences.

In view of the demonstrated effectiveness of approaches such as these, procedures for their implementation (like that of other approaches identified in this report) warrant legislative review in California.

Respectfully submitted,


THOMAS W. HAYES
Acting Auditor General

March 1, 1979

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STATE OF CALIFORNIA
DEPARTMENT OF EDUCATION
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March 1, 1979

Mr. Thomas Hayes
Acting Auditor General
Joint Legislative Audit Committee
Office of the Auditor General
925 L Street, Suite 750
Sacramento, CA 95814

Dear Mr. Hayes:

This is written in response to the issues studied and reported in the February 26 draft copy of the Attendance and Absenteeism in California Schools Report issued by the Joint Legislative Audit Committee. The California Department of Education has long recognized that the actual attendance of students has a very direct relationship to the qualitative nature of the instructional program provided by school districts. The following comments are given in response to issues raised in the audit findings.

Item 1. Responsibility for Attendance Enforcement and Accounting.

The Department of Education has been given direct responsibilities for the collection of average daily attendance (a.d.a.) data in order to certify the amount of state school funds to be apportioned to each school district. The administrative branch of the department published a revised attendance accounting manual in 1977 to advise school districts and county offices of education about attendance accounting and reporting requirements and to provide suggested procedures and techniques to implement the attendance laws and regulations. The Department of Education field management personnel provide continuous inservice training to the appropriate district and county personnel to assist them with the interpretation of new laws and regulations and to suggest ways to implement new attendance requirements. Beyond this, the department has established an audits bureau which is reviewing noted audit exceptions in the school districts and county offices required annual audit reports. The audits bureau will require school districts and county offices of education to correct their audit discrepancies and a.d.a. attendance reports to the department.

The Department of Education recognizes the worth of services relating to and requiring professional supervisors of attendance and welfare to administer

attendance laws and regulations. However, staffing requirements differ in each of the 1043 school districts in the 58 counties; and therefore, each local school administration must decide the most appropriate utilization of its limited financial resources.

The Department of Education recognizes the responsibility of providing field services to school districts but it does not have the financial resources or staff to directly monitor and enforce attendance laws, regulations, and proper accounting procedures on an individual school district basis. Consequently, the department must rely on school districts, county offices of education, and certified public accountants to advise us of compliance with required attendance accounting procedures. Local certified public accountants would be better able to assist the department in its responsibilities to monitor and enforce attendance accounting regulations and laws if the Department of Finance audit guidelines would require local auditors to ascertain if school districts have Department of Education approval for their current attendance accounting systems and make a statement in the annual audit whether the districts have complied with Department of Education regulations in the implementation of their approved systems.

Item 2. Allegations of Misinterpretation of Attendance Accounting Requirements.

The issue of period by period attendance accounting in the secondary schools as found in Title 5, Sections 401 and 403 was raised in this report. The legislative counsel opinion written by Mr. Gregory was read but, we respectfully disagree with his conclusion. Prior to 1957, schools were required to record students individual absences to the nearest five percent of the day. This minute by minute accounting was considered to be an overwhelming attendance accounting problem and as a consequence, Title 5, Section 403 was adopted to allow whole day attendance accounting. A former Department of Education Assistant Superintendent, Frank Wright, issued an enabling instructional bulletin on June 27, 1957 which implemented these changes. Since then, these procedures have been commonly practiced and to our knowledge unchallenged by the Department of Finance, Office of the Legislative Analyst, or the Legislature.

The implementation of Title 5, Section 401 (c) requires a period by period daily attendance reports to the school principal and has been commonly considered a teacher accountability procedure used for campus control and which also establishes accurate individual student attendance records. It has not been considered a mandate to subtract class periods of illegal absences from an apportionment claim unless such absence is initiated by school personnel.

It should be added that the Legislature has allowed greater flexibility in attendance accounting procedures by virtue of its enactment of laws which prescribe alternative instructional programs, (e.g. independent studies, which permits other than period by period attendance accounting.)

Item 3. Auditor General's Recommendation Regarding the Department of Education Submitting a Plan to the Legislature

We will pursue the concept of your recommendations and suggest appropriate

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changes in laws and regulations to the Legislature and State Board of Education which may improve regular student participation in the educational programs of the California public schools. If the Legislature accepts the above noted Legislative Counsel's opinion, then we definitely want to pursue legislative clarification. The strict interpretation noted in the opinion would create a cost and paper workload at the school and district level. Our feeling is the cost implications would be staggering; however, we cannot begin to generalize an estimate in the three days we've had to respond to your draft report.

The statistical information given in your report will be helpful to the department in its efforts to assist school districts and county offices of education to administer the programs related to child welfare and attendance. The data and sampling process appear to adequately represent other studies and information, both objective and subjective, in the area of attendance.

Thank you for the opportunity to respond to the draft report.

Sincerely,



William D. Whiteneck
Deputy Superintendent for Administration
(916) 445-8950

WDW:dw

cc: Donald R. McKinley
Davis Campbell
Ernie Lehr

DETAILED TABLES OF ATTENDANCE COUNTS

Table

A-1	Percentage of Students in Attendance by School Grade Level
A-2	Percentage of Students in Attendance by School AFDC Level
A-3	Percentage of Students in Attendance by School AFDC and Grade Level
A-4	Percentage of Students in Attendance by School Location and Grade Level
A-5	Percentage of High School Students in Attendance in Relation to Racial/Ethnic Composition
A-6	Percentage of High School Students in Attendance by School AFDC Level and School Size
A-7	Percentage of High School Students in Attendance in Relation to School Size
A-8	Percentage of High School Students in Attendance in Relation to School AFDC Level
A-9	Ranking of Reasons for Pupil Absenteeism by Category of Respondent, Statewide Sample

TABLE A-1

PERCENTAGE OF STUDENTS IN ATTENDANCE BY SCHOOL GRADE LEVEL

SCHOOL GRADE LEVEL	CLASSES COUNTED BY AUDITORS				TEACHERS REPORTS			
	NUMBER OF CLASSES SAMPLED	STUDENTS ENROLLED	ATTENDANCE PER AUDITOR COUNT*	PERCENT ATTENDANCE PER AUDITOR COUNT	NUMBER OF CLASSES SAMPLED	STUDENTS ENROLLED	ATTENDANCE COUNTED	PERCENT IN ATTENDANCE
KINDERGARTEN	9	278	246	88.48	25	729	657	90.12
1	8	217	198	91.24	28	762	715	93.83
2	13	385	350	90.90	32	932	864	92.70
3	13	346	320	92.48	30	821	773	94.15
4	14	404	373	92.32	31	860	800	93.02
5	11	304	271	89.14	25	697	637	91.39
6	23	695	625	89.92	36	1,035	960	92.75
7	0	0	0	0.00	2	56	52	92.85
8	2	54	52	96.29	2	54	52	96.29
ELEMENTARY SUB-TOTAL	93	2,683	2,435	90.75	211	5,946	5,510	92.66
JUNIOR HIGH	537	14,397	12,632	87.74	2,306	62,619	54,733	87.40
SENIOR HIGH	1,150	31,351	25,533	81.44	7,489	204,748	170,570	83.30
TOTALS	1,780	48,431	40,600	83.83	10,006	273,313	230,813	84.45

* THIS INCLUDES STUDENTS ON SPECIAL ASSIGNMENT TO OTHER CLASSROOMS

TABLE A-2

PERCENTAGE OF STUDENTS IN ATTENDANCE
BY SCHOOL AFDC LEVEL

	CLASSES COUNTED BY AUDITORS				TEACHERS REPORTS			
	NUMBER OF CLASSES SAMPLED	STUDENTS ENROLLED	ATTENDANCE PER AUDITOR COUNT*	PERCENT ATTENDANCE PER AUDITOR COUNT	NUMBER OF CLASSES SAMPLED	STUDENTS ENROLLED	ATTENDANCE COUNTED	PERCENT IN ATTENDANCE
SCHOOL AFDC LEVEL								
HIGH AFDC SCHOOLS	687	18,583	15,122	81.37	4,264	116,129	95,197	81.97
LOW AFDC SCHOOLS	1,093	29,848	25,478	85.35	5,742	157,184	135,616	86.27
TOTALS	1,780	48,431	40,600	83.83	10,006	273,313	230,813	84.45

* THIS INCLUDES STUDENTS ON SPECIAL ASSIGNMENT TO OTHER CLASSROOMS

TABLE A-3

PERCENTAGE OF STUDENTS IN ATTENDANCE
BY SCHOOL LOCATION AND GRADE LEVEL

	CLASSES COUNTED BY AUDITORS				TEACHERS REPORTS			
	NUMBER OF CLASSES SAMPLED	STUDENTS ENROLLED	ATTENDANCE PER AUDITOR COUNT*	PERCENT ATTENDANCE PER AUDITOR COUNT	NUMBER OF CLASSES SAMPLED	STUDENTS ENROLLED	ATTENDANCE COUNTED	PERCENT IN ATTENDANCE
URBAN SCHOOLS								
ELEMENTARY	48	1,422	1,284	90.29	86	2,509	2,332	92.94
JUNIOR HIGH	323	8,989	7,813	86.91	1,522	42,889	36,760	85.70
SENIOR HIGH	570	15,707	12,428	79.12	4,350	119,785	97,973	81.79
SUB-TOTAL	941	26,118	21,525	82.41	5,958	165,183	137,065	82.97
RURAL SCHOOLS								
ELEMENTARY	10	276	254	92.02	30	826	765	92.61
JUNIOR HIGH	66	1,673	1,481	88.52	225	5,814	5,213	89.66
SENIOR HIGH	109	2,790	2,354	84.37	525	13,663	11,628	85.10
SUB-TOTAL	185	4,739	4,089	86.28	780	20,303	17,606	86.71
SUBURBAN SCHOOLS								
ELEMENTARY	35	985	897	91.06	95	2,611	2,413	92.41
JUNIOR HIGH	148	3,735	3,338	89.37	559	13,916	12,760	91.69
SENIOR HIGH	471	12,854	10,751	83.63	2,614	71,300	60,969	85.51
SUB-TOTAL	654	17,574	14,986	85.27	3,268	87,827	76,142	86.69
TOTAL	1,780	48,431	40,600	83.83	10,006	273,313	230,813	84.45

* THIS INCLUDES STUDENTS ON SPECIAL ASSIGNMENT TO OTHER CLASSROOMS

TABLE A-4
HIGH SCHOOL ATTENDANCE LEVELS
IN RELATION TO AFDC AND SCHOOL SIZE

CLASSES COUNTED BY AUDITORS					TEACHERS REPORTS			
NUMBER OF CLASSES SAMPLED	STUDENTS ENROLLED	ATTENDANCE PER AUDITOR COUNT	PERCENT ATTENDANCE PER AUDITOR COUNT	NUMBER OF CLASSES SAMPLED	STUDENTS ENROLLED	ATTENDANCE COUNTED	PERCENT IN ATTENDANCE	
HIGH AFDC SCHOOLS								
LESS THAN 1000	19	314	261	83.12	60	999	859	85.98
1000-1500	57	1,637	1,370	83.68	427	11,874	9,915	83.50
1500-2000	132	3,629	2,523	69.52	717	20,914	15,535	74.28
2000-2500	126	3,526	2,744	77.82	813	21,673	17,230	79.49
2500-3000	0	0	0	0.00	0	0	0	0.00
OVER 3000	16	427	341	79.85	636	16,267	13,436	82.59
LOW AFDC SCHOOLS								
LESS THAN 1000	64	1,685	1,424	84.51	276	7,028	5,931	84.39
1000-1500	364	8,274	6,866	82.98	1,229	32,459	27,670	85.24
1500-2000	128	3,419	2,959	86.54	1,007	28,092	24,677	87.84
2000-2500	106	2,899	2,394	82.58	679	19,112	16,137	84.43
2500-3000	102	3,061	2,591	84.64	1,012	29,458	25,046	85.02
OVER 3000	96	2,480	2,060	83.06	633	16,872	14,134	83.77

DATA BASED UPON 7489 COUNTS

TABLE A-5

HIGH SCHOOL ATTENDANCE LEVELS IN RELATION TO
RACIAL/ETHNIC COMPOSITION

CLASSES COUNTED BY AUDITORS					TEACHERS REPORTS			
	NUMBER OF CLASSES SAMPLED	STUDENTS ENROLLED	ATTENDANCE PER AUDITOR COUNT	PERCENT ATTENDANCE PER AUDITOR COUNT	NUMBER OF CLASSES SAMPLED	STUDENTS ENROLLED	ATTENDANCE COUNTED	PERCENT IN ATTENDANCE
RACIAL/ETHNIC COMPOSITION								
TOTAL PROPORTION OF MINORITY STUDENTS								
LESS THAN 10%	175	4,580	3,964	86.55	1,133	28,747	25,162	87.52
10 TO 20%	75	2,199	1,883	85.62	829	23,347	20,318	87.02
20 TO 30%	198	5,298	4,460	84.18	1,349	38,205	32,515	85.10
30 TO 40%	0	0	0	0.00	0	0	0	0.00
40 TO 50%	81	2,270	1,909	84.09	205	5,593	4,746	84.85
OVER 50%	621	17,064	13,317	78.31	3,973	108,856	87,829	80.68
PROPORTION OF BLACK STUDENTS								
LESS THAN 10%	637	17,140	14,512	84.66	4,508	122,667	105,039	85.62
10 TO 20%	81	2,270	1,909	84.09	205	5,593	4,746	84.85
20 TO 30%	257	7,063	5,169	73.18	997	27,671	21,427	77.43
30 TO 40%	0	0	0	0.00	0	0	0	0.00
40 TO 50%	83	2,289	1,884	82.30	995	27,098	22,470	82.92
OVER 50%	92	2,589	2,059	79.52	784	21,719	16,888	77.75
PROPORTION OF HISPANIC STUDENTS								
LESS THAN 10%	370	10,187	8,660	85.01	3,480	94,598	80,831	85.44
10 TO 20%	267	7,210	6,004	83.27	1,359	37,937	31,425	82.83
20 TO 30%	264	7,312	5,725	78.29	1,386	38,055	30,189	79.32
30 TO 40%	156	4,059	2,999	73.88	700	18,662	15,215	81.52
40 TO 50%	0	0	0	0.00	0	0	0	0.00
OVER 50%	93	2,583	2,145	83.04	564	15,496	12,910	83.31

TABLE A-6

ATTENDANCE LEVELS
BY SCHOOL AFDC AND GRADE LEVELS

CLASSES COUNTED BY AUDITORS					TEACHERS REPORTS			
	NUMBER OF CLASSES SAMPLED	STUDENTS ENROLLED	ATTENDANCE PER AUDITOR COUNT*	PERCENT ATTENDANCE PER AUDITOR COUNT	NUMBER OF CLASSES SAMPLED	STUDENTS ENROLLED	ATTENDANCE COUNTED	PERCENT IN ATTENDANCE
HIGH AFDC SCHOOLS								
GRADE LEVEL								
KINDERGARTEN	8	246	218	88.61	14	425	384	90.35
1	6	163	149	91.41	16	415	390	93.97
2	8	241	215	89.21	14	423	396	93.61
3	3	81	72	88.88	11	298	275	92.28
4	10	294	272	92.51	16	441	411	93.19
5	3	74	65	87.83	11	289	269	93.07
6	9	276	252	91.30	12	353	322	91.21
7	0	0	0	0.00	0	0	0	0.00
8	0	0	0	0.00	0	0	0	0.00
ELEMENTARY SUB-TOTAL	47	1,375	1,243	90.40	94	2,644	2,447	92.54
JUNIOR HIGH	290	7,675	6,640	86.51	1,517	41,758	35,775	85.67
SENIOR HIGH	350	9,533	7,239	75.93	2,653	71,727	56,975	79.43
TOTALS	687	18,583	15,122	81.37	4,264	116,129	95,197	81.97
LOW AFDC SCHOOLS								
GRADE LEVEL								
KINDERGARTEN	1	32	28	87.50	11	304	273	89.80
1	2	54	49	90.74	12	347	325	93.65
2	5	144	135	93.75	18	509	468	91.94
3	10	265	248	93.58	19	523	498	95.21
4	4	110	101	91.81	15	419	389	92.84
5	8	230	206	89.56	14	408	368	90.19
6	14	419	373	89.02	24	682	638	93.54
7	0	0	0	0.00	2	56	52	92.85
8	2	54	52	96.29	2	54	52	96.29
ELEMENTARY SUB-TOTAL	46	1,308	1,192	91.13	117	3,302	3,063	92.76
JUNIOR HIGH	247	6,722	5,992	89.14	789	20,861	18,958	90.87
SENIOR HIGH	800	21,818	18,294	83.84	4,836	133,021	113,595	85.39
TOTALS	1,093	29,848	25,478	85.35	5,742	157,184	135,616	86.27

* THIS INCLUDES STUDENTS ON SPECIAL ASSIGNMENT TO OTHER CLASSROOMS

TABLE A-7

KINDERGARTEN ATTENDANCE LEVELS BY SCHOOL AFDC AND SIZE

	CLASSES COUNTED BY AUDITORS				TEACHERS REPORTS			
	NUMBER OF CLASSES SAMPLED	STUDENTS ENROLLED	ATTENDANCE PER AUDITOR COUNT*	PERCENT ATTENDANCE PER AUDITOR COUNT	NUMBER OF CLASSES SAMPLED	STUDENTS ENROLLED	ATTENDANCE COUNTED	PERCENT IN ATTENDANCE
HIGH AFDC SCHOOLS								
SCHOOL SIZE LESS THAN 500	1	28	23	82.14	3	86	78	90.69
SCHOOL SIZE GREATER THAN 500	7	218	195	89.44	11	339	306	90.26
LOW AFDC SCHOOLS								
SCHOOL SIZE LESS THAN 500	0	0	0	0.00	6	148	132	89.18
SCHOOL SIZE GREATER THAN 500	1	32	28	87.50	5	156	141	90.38

* THIS INCLUDES STUDENTS ON SPECIAL ASSIGNMENT TO OTHER CLASSROOMS

TABLE A-8

HIGH SCHOOL ATTENDANCE LEVELS IN RELATION TO
SCHOOL AFDC LEVEL

	CLASSES COUNTED BY AUDITORS				TEACHERS REPORTS			
	NUMBER OF CLASSES SAMPLED	STUDENTS ENROLLED	ATTENDANCE PER AUDITOR COUNT	PERCENT ATTENDANCE PER AUDITOR COUNT	NUMBER OF CLASSES SAMPLED	STUDENTS ENROLLED	ATTENDANCE COUNTED	PERCENT IN ATTENDANCE
SCHOOL AFDC LEVEL								
TOTAL PROPORTION OF STUDENTS FROM FAMILIES ON AFDC								
LESS THAN 2.5%	154	4,432	3,865	87.20	1,103	30,113	26,429	87.76
2.5 TO 5%	143	3,896	3,245	83.29	1,055	29,572	24,805	83.88
5 TO 10%	503	13,490	11,184	82.90	2,678	73,336	62,361	85.03
10 TO 20%	139	3,667	2,992	81.59	1,445	38,719	31,619	81.66
20 TO 30%	59	1,698	1,249	73.55	357	9,499	7,387	77.76
OVER 30%	152	4,168	2,998	71.92	851	23,509	17,969	76.43
	---	-----	-----	-----	-----	-----	-----	-----
TOTALS	1,150	31,351	25,533	81.44	7,489	204,748	170,570	83.30
	=====	=====	=====	=====	=====	=====	=====	=====

TABLE A-9

RANKING OF REASONS FOR PUPIL ABSENTEEISM
BY CATEGORY OF RESPONDENT, STATEWIDE SAMPLE*

Reasons for Pupil Absenteeism	Attendance Staff (N = 118)	SARB Members (N = 99)	Administrators (N = 347)	Teachers (N = 20)	Other (N = 49)	Not Specified (N = 177)	Total (N = 810)
Illness	1	3	1	1	2	1	1
Dislike or boredom with school	2	1	2	3	1	2	2
Lack of appropriate options within educational system for particular youth (i.e., independent work experience, special education, etc.)	6	4	7	8	7	7	6
Fear of school due to violence/vandalism	11	10	11	10	10	11	11
Employment	10	11	9	11	11	10	10
Drug abuse/alcoholism	9	9	10	9	9	9	9
Pregnancy/parenthood	12	12	12	12	12	12	12
Influence of friends	3	2	4	6	3	3	3
Rebellion against school rules	5	5	5	7	5	5	5
Have to help at home	7	7	6	4	6	6	6
Babysitting	8	8	8	5	8	8	8
Family or personal business	4	6	3	2	4	4	4

*Social adjustment problems; academic problems; and school
busing were not included in the survey form used for the
statewide sample

OWEN K. KUNS
RAY H. WHITAKER
CHIEF DEPUTIES

KENT L. DECHAMBEAU
STANLEY M. LOURIMORE
EDWARD F. NOWAK
EDWARD K. PURCELL

JERRY L. BASSETT
HARVEY J. FOSTER
ROBERT D. GRONKE
SHERWIN C. MACKENZIE, JR.
ANN M. MACKEY
TRACY O. POWELL, II
RUSSELL L. SPARLING
JOHN T. STUDEBAKER
PRINCIPAL DEPUTIES

3021 STATE CAPITOL
SACRAMENTO 95814
(916) 445-3057

8011 STATE BUILDING
107 SOUTH BROADWAY
LOS ANGELES 90012
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Legislative Counsel of California

BION M. GREGORY

Sacramento, California

January 19, 1979

Mr. Thomas W. Hayes
Acting Auditor General
925 L Street, Suite 750
Sacramento, CA 95814

Schools: Computing Attendance for Apportionments - #451

Dear Mr. Hayes:

QUESTION

If a pupil, acting independently, departs from school without an authorized excuse before completing the minimum schoolday applicable for such pupil, after once having been under the immediate supervision and control of a certificated employee, is such pupil's attendance reportable for apportionment purposes for the entire schoolday?

OPINION

If a pupil, acting independently, departs from school without an authorized excuse before completing the minimum schoolday applicable to such pupil, after once having been under the immediate supervision and control of a certificated employee, such pupil's attendance is not reportable for apportionment purposes for the entire schoolday.

GERALD ROSS ADAMS
DAVID D. ALVES
MARTIN L. ANDERSON
PAUL ANTILLA
CHARLES C. ASBILL
JAMES L. ASHFORD
JANICE R. BROWN
ALICE V. COLLINS
JOHN CORZINE
BEN E. DALE
CLINTON J. DEWITT
C. DAVID DICKERSON
FRANCES S. DORBIN
ROBERT CULLEN DUFFY
LAWRENCE H. FEIN
SHARON R. FISHER
JOHN FOSSETTE
CLAY FULLER
KATHLEEN E. GNEKOW
ALVIN D. GRESS
JAMES W. HEINZER
THOMAS R. HEUER
JACK I. HORTON
EILEEN K. JENKINS
MICHAEL J. KERSTEN
L. DOUGLAS KINNEY
VICTOR KOZIELSKI
ROMULO I. LOPEZ
JAMES A. MARSALA
PETER F. MELNICOE
ROBERT G. MILLER
JOHN A. MOGER
VERNE L. OLIVER
EUGENE L. PAINE
MARGUERITE ROTH
MARY SHAW
WILLIAM K. STARK
MICHAEL H. UPSON
CHRISTOPHER J. WEI
DANIEL A. WEITZMAN
THOMAS D. WHELAN
JIMMIE WING
CHRISTOPHER ZIRKLE
DEPUTIES

ANALYSIS

Apportionments of state funds to school districts from the State School Fund are made on the basis of the number of pupils in average daily attendance in the schools of the district (see Art. 1 (commencing with Sec. 14000), Ch. 1, Pt. 8 and Ch. 4 (commencing with Sec. 41600), Pt. 23, Ed. C.;¹ see also Sec. 6, Art. IX, Cal. Const.).

The pertinent provision of law is subdivision (a) of Section 46300, which defines the attendance to be utilized in computing average daily attendance, and which provides, in pertinent part, as follows:

"46300. (a) In computing the average daily attendance of a school district, there shall be included only the attendance of pupils while engaged in educational activities required of such pupils and under the immediate supervision and control of an employee of the district who possessed a valid certification document, registered as required by law, authorizing him to render service in the capacity and during the period in which he served.

* * * (Emphasis added.)

As can be seen, in computing average daily attendance a school district can only count the attendance of pupils while engaged in required educational activities and who are under the immediate supervision and control of a certificated employee.²

In computing the total days of attendance of a pupil for apportionment purposes, subdivision (a) of Section 46010 provides, in pertinent part, as follows:

¹ All section references are to the Education Code, unless otherwise specified.

² There are specified exceptions to this general rule which are not pertinent to this question (see subd. (b), Sec. 46300).

"46010. (a) The total days of attendance of a pupil upon the schools and classes maintained by a school district, or schools or classes maintained by the county superintendent of schools during the fiscal year shall be the number of days school was actually taught for not less than the minimum schooldays during the fiscal year less the sum of his absences."

Subdivision (b) of Section 46010 controls the treatment of absences when determining pupil attendance for purposes of apportionments as follows:

"46010. * * *

"(b) The absence of a pupil from school or class shall not be deemed an absence in computing the attendance of a pupil if such absence was:

"(1) Due to his illness, or

"(2) Due to quarantine under the direction of a county or city health officer, or

"(3) For the purpose of having medical, dental, optometrical, or chiropractic services rendered, or

"(4) For the purpose of attending the funeral services of a member of his immediate family, so long as such absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California, or

"(5) For the purpose of jury duty in the manner provided for by law.

"(6) Due to exclusion from school pursuant to Section 3381 of the Health and Safety Code, so long as such absence is not more than five schooldays pursuant to Section 46010.5.

"'Immediate family,' as used in this subdivision, has the same meaning as that set forth in the last sentence of Section 45194 except that references therein to 'employee' shall be deemed to be references to 'pupil.'"

"The provisions of this subdivision shall not apply in the case of pupils attending summer school, adult schools, and classes, or regional occupational centers and programs other than pupils concurrently enrolled in a regular high school program and a regional occupational center or program."

Our review of the pertinent statutory provisions reveals that the only exception to the general requirement that only the attendance of pupils engaged in required educational activities and under the immediate supervision and control of a certificated employee is counted for apportionment purposes is that found in subdivision (b) of Section 46010. Generally, where exceptions to a general rule are specified by statute, other exceptions are not to be implied or presumed (Wildlife Alive v. Chickering, 18 Cal. 3d 190, 195).

The State Board of Education is explicitly required to adopt rules and regulations not inconsistent with the laws of the state for its own government; for the government of its appointees and employees; for the government of the day and evening elementary and secondary schools, and the technical and vocational schools of the state; and for the government of such other schools, except community colleges, the University of California and the California State University and Colleges, as may receive in whole or in part, financial support from the state (Secs. 33031, 71020, and 71062).

The regulations adopted by the State Board of Education regarding attendance computation are found in Section 400, et seq. of Title 5 of the California Administrative Code.³ Section 401 of Title 5 sets forth the form and procedure for recording attendance, and provides in subdivision

³

Hereinafter referred to as Title 5.

(c) that in all high schools each teacher is required to submit to the principal at least once each schoolday, a report of attendance for each period of the day in which class is conducted, listing the names of all pupils absent in any period.

Section 402 of Title 5 is the primary provision concerning the attendance that may be counted for apportionment purposes. That section reads as follows:

"402. Attendance That May Be Counted.

"For apportionment purposes, attendance of a pupil upon schools or classes maintained by a school district or a county superintendent may be counted when the pupil is present during the time lawfully prescribed for the school or class in which he is enrolled and when such attendance meets the requirements prescribed by Education Code Section 46300. In addition, if the pupil is enrolled in summer school his attendance may be counted only if the summer school meets the requirements of Education Code Section 12400."
(Emphasis added.)

Thus, under this section, attendance of a pupil may be counted for apportionment purposes when the pupil is present during the time lawfully prescribed for the school or class enrolled in and when such attendance meets the requirements of Section 46300. As discussed above, Section 46300 specifies that attendance of a pupil can only be counted when such pupil is engaged in a required educational activity and is under the immediate supervision and control of a certificated employee. Except for absences not deemed an absence under subdivision (b) of Section 46010, it would appear that, for apportionment purposes, the attendance of a pupil may be counted only for that period of time in which the pupil is present during the time lawfully prescribed for the school or class in which he or she is enrolled (see Sec. 46100).

However, Section 403 of Title 5 provides that:

"403. Pupils Enrolled for the Minimum School Day.

"Subject to the provisions of Sections 402, 404, and 405, for apportionment purposes a pupil enrolled in a regular day class or a special day class for the minimum school day applicable to him (except pupils whose attendance is recorded by clock hour) is deemed present for the entire school day, unless he is absent for the entire school day prescribed by the local governing board under Education Code Section 46100." (Emphasis added.)

It may be contended that this regulation permits a school district to report an entire day of attendance for a pupil who is enrolled in a regular day class for the minimum school day even if the pupil is absent for part of the day, regardless of the reason for such absence. However, that interpretation ignores the fact that the section starts with the phrase "[s]ubject to the provisions of Sections 402, 404 and 405" As discussed above, Section 402 states that a pupil may be counted when the pupil is present for the minimum schoolday and is engaged in required educational activities under the immediate supervision and control of a certificated employee. Thus, while recognizing the ambiguities of the regulations, we think that Sections 402 and 403 of Title 5 require that, generally, such pupil must be present during the time lawfully prescribed for the school or class enrolled in and the class must meet the requirements of Section 46300 in order for the attendance of the pupil to be counted as an entire day of attendance in the computation of the average daily attendance of the district.

In this regard, however, we note that the administrative manual entitled "Attendance and Enrollment Accounting and Reporting in California Public Schools," published by the Department of Education, directs school districts to include as an entire day of attendance for apportionment purposes what is referred to, at page 29, as "student-initiated absences." That guideline reads as follows:

"There is often confusion in matters relating to unauthorized partial-day absences. The two categories of such absences are as follows:

"1. Student-initiated absence. If a student, acting independently, departs from school before completing a full minimum day after once having been under the direct supervision of a certificated employee, such absence may be credited for full apportionment.

* * *

The question presented is whether the above guideline issued by the Department of Education is valid.

An administrative agency has only such powers as are conferred by the law creating it, and must exercise those powers in accordance with the standards, policies, guides, and limitations provided in the statutes bestowing powers on the agency (see Pac. Tel. & Tel. Co. v. Public Utilities Com., 34 Cal. 2d 822, 829).

It is a principle long recognized by the courts that an administrative agency may not exercise its rule-making power so as to alter, extend, limit, or enlarge the provisions of the legislative act which is being administered (First Industrial Loan Co. v. Daugherty, 26 Cal. 2d 545, 550, 556; Whitcomb Hotel, Inc. v. California Employment Commission, 24 Cal. 2d 753, 757, 759), or to exceed the scope of its authority and act contrary to the statute which is the source of its power (California Emp. Com. v. Kovacevich, 27 Cal. 2d 546, 553). Rules and regulations in conflict with the authorizing statute are void (Oddo v. Hedde, 101 Cal. App. 2d 375, 388).

This basic principle is now codified in Section 11374 of the Government Code, which is a part of the California Administrative Procedure Act (Ch. 4.5 (commencing with Sec. 11371), Pt. 1, Div. 3, Title 2, Gov. C.).

With the above principles in mind, we turn our attention to the statutory provisions discussed earlier to ascertain whether or not the department's guideline concerning student-initiated absences exceeds the scope of its authority. The fundamental rule of statutory construction

requires that the intent of the Legislature be ascertained so as to effectuate the purpose of the law (Select Base Materials, Inc. v. Board of Equalization, 51 Cal. 2d 640, 645). The provisions of statutes must be given a reasonable and common sense construction in accordance with the apparent purpose and intention of the lawmakers--one that is practical rather than technical, and that will lead to a wise policy rather than to mischief or absurdity (City of Costa Mesa v. McKenzie, 30 Cal. App. 3d 763, 769, 770).

In our view, Section 46300 clearly provides that, in computing average daily attendance, only the attendance of pupils who are engaged in required educational activities and under the immediate supervision and control of a certificated employee can be counted. The only exception to that general requirement is that provided by the Legislature in subdivision (b) of Section 46010.

Since an administrative agency may not exceed the scope of its authority and act contrary to the statute which is the source of its power (California Emp. Com. v. Kovacevich, supra), we do not think the Department of Education has the authority to direct school districts to report as an entire day of attendance for apportionment purposes the attendance of a pupil who departs from the school without an excused absence specified in subdivision (b) of Section 46010, if the pupil has not completed a minimum schoolday.

While the department has broad authority to prescribe the mechanics of attendance computation, there is no indication in the pertinent statutes of any intent to include in the attendance computation any pupil who is not actually present in class, except in the specific instances prescribed by Sections 46010 and 46300.

We, therefore, conclude that if a pupil, acting independently, departs from school without an authorized excuse before completing the minimum schoolday applicable to such pupil, after once having been under the immediate supervision and control of a certificated employee, such pupil's attendance is not reportable for apportionment purposes for the entire schoolday.

Very truly yours,

Bion M. Gregory
Legislative Counsel

By *Daniel A. Weitzman*
Daniel A. Weitzman
Deputy Legislative Counsel

ATTENDANCE STUDY ADVISORY COMMITTEE

In order to provide assistance in the design and execution of the study, a statewide Attendance Advisory Committee was established. The Committee provided ongoing guidance and suggestions to Auditor General staff, assistance which proved to be extremely valuable. The membership of the Attendance Advisory Committee is listed below:

Committee Members

Jose Bernal
Local Board of Education
Calvin P. Burke
Continuation Education
Paul Hewitt
Association of California School Administrators
Lee Lundberg
Local School District
Jack H. Newton
California Association of Supervisors of Child Welfare and
Attendance
Keith Randles
California Teachers' Association
Julia E. Rothrock
County Office of Education
Barbara Shirley
County Probation Department
Lewis Trine
Vavrinek, Trine, Day and Company
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